

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMIAN JACKSON,

Plaintiff,

v.

Case No. 09-10999

Hon. Lawrence P. Zatkoff

MAIN STREET BANK et al.,

Defendants.

ORDER TO REMAND IN PART

Plaintiff, proceeding pro se, filed his complaint in the Wayne County Circuit Court on January 13, 2009. Defendant Federal Deposit Insurance Corporation (FDIC), as receiver for Main Street Bank, timely removed the action to this Court on March 18, 2009, based on the Court's original jurisdiction under 12 U.S.C. § 1819, federal-question jurisdiction under 28 U.S.C. § 1331, and the Court's pendent jurisdiction. *See* 12 U.S.C. § 1819(b)(2)(B) (granting FDIC 90-day period to remove actions from state court). The Court liberally construes Plaintiff's complaint to contain the following three counts:

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|-----------|---|
| Count I | Violation of Mich. Comp. Laws § 600.3216—Defendants Shaheen, Jacobs & Ross, P.C. and Wayne County |
| Count II | Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 <i>et seq</i> —Defendants FDIC and Shaheen, Jacobs & Ross, P.C. |
| Count III | Violation of the Fair Debt Collection Practices Act and Unjust Enrichment—All Defendants |

The Court has subject-matter jurisdiction over Counts II and III because they arise under federal law. 28 U.S.C. § 1331. Count I, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may

decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claim in this matter. The Court finds that Plaintiff’s state-law claim raises novel and complex issues of state law which would be more appropriately adjudicated by the state court. *See id.* § 1367(c)(1).

Accordingly, IT IS ORDERED that Plaintiff’s state-law claim (Count I) is hereby REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claims (Counts II and III).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 8, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 8, 2009.

S/Marie E. Verlinde
Case Manager
(810) 984-3290